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increased to about fifteen in number. Their nomination has been approved as such by the agent of the Government and recognized as such by all the tribes. They are invested with power and authority to superintend the affairs of their national Government with the incumbent duties annexed, such as receiving the national salary from the agent of the U. S. and paying their public debts, which they seemingly do with a national concurrence. For they never undertake or do any important business without a national convention when the chiefs deliberate and through their orator inform the assembled body of the nation, of what they have determined and dismiss them."[66]

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In speaking of the lesser members of the class called mikăgi Stiggins says farther on: "They attend the appointed national calls only as mutes, for in the national assembly none have a voice but such as are appointed to national purposes."[66]

Duncan G. Campbell, in his letter to John C. Calhoun, Secretary of War, written December 18, 1824, and cited above, says:

"Upon the subject of the government of the Creeks, we could not acquire information of a definite and satisfactory character. Their council is composed of a great number of chiefs, of various grades of authority. The Big Warrior is head chief of the upper towns, and McIntosh of the lower; he is also speaker of the nation. The Little Prince is highest in authority, being head chief of the nation; and has been uniformly the friend and adherent of McIntosh."[67]

It is not entirely plain whether the "council" here mentioned was the council of chiefs or the general assembly. The "great number of chiefs" would seem to suggest something more impressive than the body of 15 described by Stiggins, but we shall see presently that certain economic causes operated to increase the membership of the higher assembly very rapidly, at least after the removal of the tribe beyond the Mississippi.

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Valuable additional information regarding the entire government of the nation in the early part of the nineteenth century, after it had emigrated to the west, is given us by Hitchcock, who says:

"The whole Creek Nation is composed of two parties, which were designated in the old Nation east of the Mississippi River, as the Upper and Lower Towns, sometimes called Upper Creeks and Lower Creeks. They are still to a considerable extent distinct. The Upper Creeks are principally on the Canadian and the Lower Creeks are on the Arkansas.

"These parties have separate Head Chiefs. At present the Principal Chief of the Lower Creeks is Roly McIntosh, as Tommarthle

[66] Stiggins, Ms. Hist. Narr., pp. 13-15.
[67] Am. State Papers, Ind. Aff., vol. II, p. 575.
[66] Ibid., p. 15.

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642 631 643 Micco is of the Upper Creeks. In general council the two principal chiefs preside seated by the side of each other; but Roly McIntosh takes the right and is considered the Senior or Head Chief of the Nation. For local purposes, among the Upper Creeks there are four Creeks called Counselling Chiefs, one of whom is called the King, and he transacts the current business of the party subject to the control of the Principal Chief whenever the latter thinks proper to interfere, as on important occasions.

642 631 622 "After these are the Chiefs of the different towns. . . There may be forty-five towns, each of which has a Principal Chief or King and a sub-chief. In each town there are persons called *lawyers*, from four up to 40 or even 45, according to the population, whose duty it is to execute the laws. They are subject to the views of the Head Chiefs of the Nation who send them on important missions when necessary.

"The Lower Creeks have two persons in authority called Light Horse, who are [of the nature] of Sheriffs [and are employed] for the collection of debts with other similar duties and are paid each a salary of $150 a year.

"All of the Chiefs of every grade are permanently in power unless they resign or from misconduct are deposed. The mode of filling a vacancy is assimilated to an election by the people, but upon recommendations made by those already in power, to which the popular voice presents scarcely an obstacle.

642 646 "The general council for business is composed of the two principal chiefs and the Kings, including those of the Towns. These constitute the aristocratic portion of the government. There is another branch composed of one or two persons elected by each town from among the lawyers with one judge from the Upper and one from the Lower Creeks, which constitute what is called a Committee. This has the appearance of a popular branch. Sometimes the number of the Committee is increased on important occasions. These are appointed by the Kings of the different towns but [selected] from the people.

"A law generally originates in the Committee. If approved there it is sent to the principal chiefs for their approval. If approved by the principal chiefs it is a law. But practically the Chiefs make the laws and unmake them." [48]

By "lawyers" we are evidently to understand leading men conversant with the customs and usages of their people; probably not a fixed class in the community. The "aristocratic portion of the government,"—the Creek Senate if we might so term it—had thus exceeded the body of 15 of Stiggins's time, and in this Hitchcock is confirmed by Gregg, whose information was obtained about two years earlier and who says: "Their executive consists of two principal

[48] Gen. E. A. Hitchcock, Ms. notes.

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others, such as the Utina, Potano, and Apalachee of Florida, and the Chiaha, Tali, Mobile, and many more farther north. It is even uncertain whether at that date any sort of confederacy existed. As time went on, however, the Florida tribes were destroyed or scattered, and the same fate overtook the Yamasee, the Indians of the Georgia coast, and the smaller tribes in the neighborhood of South Carolina. This served to increase the power of the Creeks proper, both by weakening that of their neighbors and by causing many fugitive tribes to unite with them and add to their fighting force. Leaving out of consideration the Hitchiti, Alabama, Koasati, and Tuskegee, who were incorporated almost before the dawn of clear history, we have very exact information of the incorporation of the Yuchi, which had formerly been an independent and hostile tribe, of part of the Shawnee, and of the remnant of the Natchez. This system of adoption resulted in the strengthening of the confederacy about in proportion to the weakening of its neighbors, until finally but one tribe remained, the Choctaw, able to contend with it on anything like equal terms. This latter, it is to be noted, owed its strength not so much to incorporation of fugitive elements as to a location where it was for a long time protected against European encroachment, intensive cultivation of the soil, and an unwarlike disposition—all contributing to a steadily mounting population. The Choctaw government was very feebly centralized for the same reason until very late times when it was much strengthened as a result of constant attacks on the part of Chickasaw and Creek enemies. The Creeks, on the other hand, had adopted their federal union very early, probably in part as the result of pressure from without, and as this pressure was increased by the approach of white settlements the sense of danger tended to accelerate the centralization. It thus happened that in the last quarter of the eighteenth century conditions were ripe for the evolution of a still more closely knit state, and merely awaited the advent of the man who could bring it about. And such a man appeared.

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A critical life of Alexander McGillivray would be a distinct contribution to southern history, but it is not germane to our purpose. Doubtless much that has been written regarding him is inaccurate and I do not vouch for all the facts given in the following account by Swan, but of the revolution he accomplished in Creek government there can be no doubt. Swan says that his title was Steutsa'cco-Cho'ota' which is evidently a very bad attempt at isti atcagagi lako, "great honored or beloved man."[80] He goes on:

"The present great beloved man, who left Georgia in disgust about the year 1776, and attached himself to the upper Creeks,

[80] His Indian name, however, is given by Pope as "Hippo ilk Meco, or the good Child King." In correct Creek this would be Hobot-hili miko, but there is reason to think that McGillivray did not belong to a clan which would entitle him to be called miko.

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where he was born, by the advice of his father immediately set about placing himself at the head of the nation. His kindred and family connexion in the country, and his evident abilities, soon gave him such influence among them that the British made him their commissary, with the rank and pay of Lieutenant-Colonel, under Colonel Brown, then superintendent.

"After the English had abandoned the nation, in 1782, this beloved man found it necessary, in order to carry on the war with success against the Georgians, to undertake a reform in the policy of the nation, which had for a long time been divided by faction.

"He effected a total revolution in one of their most ancient customs, by placing the warriors in all cases over the micos or kings, who, though not active as warriors, were always considered as important counsellors. The micos resisted this measure for some time; and the struggle became at last so serious, that the beloved chief had one Sullivan and two others, partizans of the micos, put to death in the public squares. They were all three white men who had undertaken to lead the faction against him; but he finally crushed the insurgents, and effected his purposes.

"The spirit of opposition still remained against him in the old Tallassie king, Opilth Mico, who, with his clan, pronounced M'Gillivray a boy and an usurper, taking steps that must be derogatory to his family and consequence. And under these circumstances he undertook to treat separately with the Georgians. The consequences were, his houses were burnt in his absence, and his corn and cattle destroyed. Notwithstanding, he remained refractory for a long time, as well as some of the most important of the lower towns, until, finding the Georgians aimed at them indiscriminately, and a Mr. Alexander had killed twelve of their real friends (the Cussutahs), they dropped their internal disputes, and united all their efforts, under the great chief, against the frontiers."[81]

Swan adds some interesting particulars regarding the means resorted to by McGillivray to secure his authority. He kept the several towns in obedience by threatening to remove the white traders from among them. He encouraged the presentation of complaints by all parties but put off judgment so long that the parties usually settled the matter between themselves, thereby relieving him of the necessity of delivering a verdict unfavorable to one of them and attracting personal enmity in consequence. Another device, as old as tyranny, was to collect about himself a body of retainers. Swan says:

"Some young men of his relations, and several active warriors living about Little Tallassie, whom the chief keeps continually attached to him by frequent and profuse presents, serve him as a

[81] Swan in Schoolcraft, Ind. Tribes, vol. v, p. 261.

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kind of watch, and often in the capacity of constables—pursue, take up, and punish, such characters as he may direct; and on some occasions have acted as executioners.

"It is a maxim of his policy to give protection to outlaws, debtors, thieves, and murderers from all parts of the country, who have fled in great numbers from the hands of justice, and found an asylum in the Creek nation. The whites living among the Indians (with very few exceptions), are the most abandoned wretches that can be found, perhaps, on this side of Botany Bay; there is scarcely a crime but some of them has been guilty of. Most of the traders and all their hirelings and pack-horse-men, are of the above description."[82]

McGillivray's father, Lachlan McGillivray, was a Scotchman loyal to the crown, and from him and his sojourn among the whites Alexander had gained sufficient astuteness to know how to deal with the colonists, along with a prejudice against their cause. His government, it will be seen, resembled rather a Greek tyranny than the military democracy to which Swan likens it. It must be added, however, that McGillivray's power was due rather to his shrewdness and his understanding of the Indian mind than to the exercise of autocratic authority, though, as we have seen, he could use the iron glove on occasion. McGillivray belonged to the Wind clan,[83] and although this clan held an exalted position in the tribe, none of the officials of Otciapofa, his proper town and that which he made his capital, were Wind people. This explains in part his adoption of the term "great beloved man," one which could be held by a member of any clan. The government as I have described it also explains the appellation of "grand chief" which Milfort applies to McGillivray.[84] Milfort was probably one of those outsiders whom McGillivray gathered about him. That he was made a tástánagi is probable, but, as has been stated above, the name did not carry the significance which Milfort attaches to it of "head war chief" of the nation.

Milfort and Pope both confirm Swan's statement regarding the internal revolution effected by McGillivray, except that where the former says "nation" we must substitute "town," or "towns." His words are:

"The Tastanégy or grand war chief formerly had no part in the internal administration, his authority lasted only as long as the war: but now, he is the first civil as well as the first military chief of the nation."[85]

Says Pope:

"M'Gillivray who is perpetual dictator, in Time of War subdelegates a Number of Chieftains for the Direction of all military

[82] Swan in Schoolcraft, Ind. Tribes, vol. v, p. 282.
[83] Milfort, Mém., p. 328; Swan in Schoolcraft, Ind. Tribes, vol. v, p. 269.
[84] Ibid., pp. 40-41 et seq.
[85] Milfort, op. cit., p. 257.

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Operations; and when the War concludes, they, in Compensation for their martial Achievements, are invested by the Dictator with civil Authority which supersedes the hereditary Powers of their Demi-Kings." [56]

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It is hardly likely that the Indians would have suffered a violent injection of outside officials into their local governments, and it is therefore probable that the men elevated to positions of control in this manner were the "big warriors" (tástánagi łáko) in their respective towns. During a period of almost perpetual war the influence of the war leaders was certain to be enhanced in any event; McGillivray simply took advantage of this and continued their war powers into times of peace.

After McGillivray's death, February 17, 1793, no man appeared of sufficient force and tact to take his place and the government seems to have slipped back, at least in part, into the ancient channels.

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Some hints have already been given regarding this government, particularly its council of chiefs and national assembly, as well as the leadership of certain towns. The primacy of Coweta,[57] both over the Lower Creek towns and over the whole nation, appears to have been reasserted, Tukabahchee assuming the headship of the Upper Creeks and the secondary position in the confederacy.

A few years after the death of McGillivray, Benjamin Hawkins, United States agent in charge of the southern Indians, attempted to introduce certain innovations into the Creek government, and indeed he asserts that before the adoption of his plan they had been without a national government of any sort. In the light of other facts such a sweeping statement can not be accepted. His innovations merely tended to make systematic and stable an authority which had before been relatively loose and casual. He thus recounts the results of his efforts:

"At a meeting of the national council, convened by order of the agent for Indian affairs [i. e., Hawkins himself], at Tookaubatche, the 27th November, 1799, the chiefs, after a long and solemn deliberation, on the affairs of the nation, which were laid before them by the agent for Indian affairs, came to a resolution to adopt the plan of the agent, "to class all the towns, and to appoint a warrior over each class, denominated the warrior of the nation."

"The towns thus classed, with the warriors for the nation, are:

"1st. Hook-choie, We-wo-cau, Puc-cun-tal-lau-has-see, O-pil-thuluc-co and Thlot-lo-gul-gau. For these five towns they appointed Sim-mo-me-jee ["Doing-it-for-them"] of Wewocau.

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[56] Pope, Tour, p. 65.

[57] In the American State Papers (Indian Affairs, vol. II, p. 780) is a long historical account of the relations between the whites and the Creek Indians, compiled by Joseph Vallence Bevan for the State of Georgia. His object is to show that the sanction of Coweta to a treaty ceding land rendered the treaty valid, and this prejudiced viewpoint must be allowed for, although, as we have seen, the primacy of Coweta among Creek towns at one period was certainly a fact.

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"2d. Ki-a-li-jee and Eu-fau-lau. For these two towns, they appointed E-maut-lau Hut-ke.

"3d. Hill-au-bee, Woc-co-coie and Pochusehatche. For these three towns they appointed Cussetuh Tus-tun-nug-gee, of Hill-au-bee, and Thle-chum-me Tustunnigge ["Łidjámi Tástánągi], of Woc-cocoie.

"4th. Au-bee-coo-che, Nau-che, Coosau and Eu-fau-lau-hat-che. For these four towns, they appointed Olohtau Haujo [Holahta hadjo].

"5th. Ho-ith-le-wau-le, Ecunhutke, Sauvanogee, Mook-lau-sau and Took-au-bat-che. For these five towns, they appointed O-poie E-maut-lau [Hobayi Imała], of Ho-ith-le-waule. . . .

"6th. Oc-fus-kee and its villages, Sooc-he-ah, New-yau-cau, Immook-fau, Took-au-bat-che Tal-lau-has-see, Took-to-cau-gee, Au-che-nau-ulgau, Oc-fus-coo-che, and E-pe-sau-gee. For this town and its villages, they appointed Hopoie Tus-tun-nug-gee, of Oc-fus-kee, and Tal-lo-wau-thlucco Tus-tun-nug-gee.

"7th. O-che-au-po-fau and Tus-kee-gee. For these two towns, they appointed Ho-po-ithle Ho-poie.

"8th. Tal-e-see, Aut-tos-see, Foose-hat-che and Coo-loo-me. For these four towns, they appointed Foose-hat-che Tus-tun-nug-gee, of Tal-e-see, and Eu-fau-lau Tus-tun-nug-gee, of Foose-hat-che.

"9th. Hook-choie-oo-che, Coo-sau-dee, E-cun-cha-te, Too-wos-sau, Pau-woc-te, and At-tau-gee. For these towns and villages, they appointed Ho-ith-le-poie Hau-jo and Tus-tun-nuc, of Hook-choie-oo-che." [88]

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To what extent this plan of government was put in force seems uncertain, but the primacy of Coweta and Tukabahchee continued, as is shown by numerous statements in the documents of the first half of the nineteenth century. We learn that in 1814 the "Little Prince" was head chief of the entire nation—though one writer refers to him as "the chief speaker." He belonged to Łikatcka, which, as we have seen, was a branch of Coweta. At the same time we are told that Tástánągi łako, the "Big Warrior," a Tukabahchee, was "speaker for the Upper Creeks," Tástánągi hopai speaker for the Lower Creeks, and William McIntosh head chief of Coweta.[89] From what Hodgson says it is evident that in 1820 the Little Prince and the Big Warrior occupied the same positions, although they are both called "Chief Speakers of the Nation" as if their authority were coordinate. Hodgson adds, "The most popular and influential person, however, in the Nation, is Mackintosh, the Head Warrior, a half-breed, under forty years of age; who is consulted on every occasion, and who, in a great measure, directs the affairs of his country." [90]

[88] Hawkins in Ga. Hist. Soc. Colls., vol. III, pp. 31–32.

[89] Am. State Papers, Ind. Aff., vol. II, pp. 571, 575.

[90] Hodgson, Jour., p. 267. In one place (Am. State Papers, Ind. Aff., vol. II, p. 571) McIntosh is called "Speaker of the Nation."

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In a later document four chiefs are mentioned as having made a reply to the United States Commissioners at Łikatcka, on December 11, 1824, "Little Prince, O. Porthle Yoholo (Speaker of the Upper Creeks), William McIntosh (Speaker of the Nation), and Hopoy Hadgo." [91] In a letter written seven days after this, by Duncan G. Campbell to John C. Calhoun, then Secretary of War, Little Prince is referred to as the head of the nation, while the Big Warrior is called head chief of the Upper towns and McIntosh head chief of the Lower towns and also Speaker of the Nation.[92] The somewhat perplexing statements are reconciled when we understand that Little Prince was head chief of the entire nation by virtue of the fact that he was head of the Coweta group of towns, although actually he was premier chief only of the branch town of Łikatcka. McIntosh was chief of Coweta itself and also held the position of speaker for Little Prince, having apparently succeeded a man named Tástánągi hobayi, and because Little Prince was head chief of the Lower Creeks and premier chief of the nation McIntosh is also called "Speaker of the Nation." A formal error is probably made by Campbell in referring to him as "head chief of the Lower towns," while the nomenclature employed by Hodgson is inexact owing to the temporary nature of his visit among the Creeks. That Hodgson does not mean by "chief speakers" those who made announcements is shown by his explanation immediately following: "The Chief Speakers are by no means necessarily the principal *orators*, but may employ a fluent Chief to convey their sentiments. Their office is to carry into effect the decisions of the Great Council of the Nation; a deliberative body, composed of chiefs from the different towns." [93] It seems plain, in short, that during this period the Little Prince of Łikatcka was head chief of the Lower Creeks and of the nation, while the Big Warrior was head chief of the Upper Creeks. McIntosh appears to have been chief of Coweta in 1814 and to have risen to the position of speaker of the nation by 1824—that is, speaker for the Little Prince. Hoboi-hili yahola had risen to the position of speaker of the Upper Creeks by 1824. It seems evident that by this time all of the Upper towns recognized a head chief and all of the Lower towns another and that the latter enjoyed a primacy over the former, and that each of these had an assistant called a "speaker" who was a man of influence. After the removal there was a principal and second chief over all the towns and a principal and second chief for each of the two divisions. [94]

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According to one of my informants the head chief of the Upper Creeks was elected by 30 men chosen from the towns of Tukabahchee, Kealedji, Atasi, and Hátci tcábá—i. e., from the Upper Creek towns

[91] Am. State Papers, Ind. Aff., vol. II, p. 571.
[92] Ibid., p. 575.
[93] Hodgson, Jour., p. 267.
[94] Eakins in Schoolcraft, vol. I, pp. 274-275.

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642 of the Tukabahchee group. This statement remains unsubstantiated. The same man also stated that the Lower Creeks had two chiefs, "one governing on each side of any stream," but this would seem to refer to the chiefs of the Kasihta and Coweta, the lands of which were separated by the Chattahoochee River.

Writing in 1839, when the removal to the west was not completed, Farnham says:

"The civil government of this tribe is less perfect than that of the Cherokees. There are two bands; the one under McIntosh, and the other under Little Doctor. That led by the former, brought with them from their old home written laws which they enforce as the laws of their band. That under the latter, made written laws after their arrival. Each party holds a general council. The members of each are hereditary chiefs, and a class of men called councillors. Each of these great bands is divided into lesser ones; which severally may hold courts, try civil and criminal causes, sentence, and execute, &c. Laws, however, are made by the general councils only; and it is becoming customary to entertain trials of cases before these bodies, and to detail some of their members for executioners. The legislative, judicial, and executive departments of their government are thus becoming strangely united in one."[94a]

Eakins says "every hundred persons has a right to elect a chief, who represents them in general council."[95]

642 ●643 From the time of their emigration until after the Civil War the Lower and Upper Creeks remained aloof from each other. Roly McIntosh,[96] first chief of the former division in the west, was succeeded by Moty Kennard, and when the latter died his second chief, Yakinha miko, took his place. Tukabahchee miko, often spoken of as chief of the Upper Creeks, was in reality their principal medicine maker. His fields were cared for by the people of Tukabahchee and he was allowed a salary of $500 from the Creek treasury. In 1842–43 the Upper Creek chief was Tamali miko.[96a] When the Creek constitution was adopted Itco hadjo miko occupied the position.

642 177 As is well known the Creeks split into two factions on the outbreak of the Civil War and became pretty thoroughly demoralized. After it was ended a great council was held near Okmulgee, a constitution was adopted and a new government set up, modeled to some extent on that of the United States. There were two deliberative and legislative bodies called the House of Kings and the House of Warriors chosen from the different districts and two head chiefs, a first and a second, elected every four years by the entire nation. He who received the highest number of votes was made first chief and he

[94a] Farnham's Travels, in Early Western Travels, vol. XXVIII, pp. 129–130.

[95] Schoolcraft, Ind. Tribes, vol. I, p. 275.

[96] It appears from a writer in Schoolcraft (Ind. Tribes, vol. I, p. 267) that the second chief of the Lower Creeks under McIntosh was Benjamin Marshall.

[96a] See pp. 215–216; Stanley in Smithson. Misc. Colls., no. 33, p. 12.